


memorandum

DATE: May 17, 1983

REPLY TO
ATTN OF: Jack Lee, Legislation 

SUBJECT: Possible Amendments to FCC Authorization (House)

TO: Chairman
MMB
CCB
OMD
OPP
OGC

FYI - Attached is a memorandum from the Subcommittee's Counsel David Aylward and a set of amendments that may possibly be added to one of the Authorization bills now under consideration in the House.

There is some indication that some or all of these may be added when the bill is marked up.

Our best information is that mark-up will not be held this week.

TIMOTHY E. WIRTH, COLO., CHAIRMAN

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HENRY A. WAXMAN, CALIF.
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(EX OFFICIO)

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON TELECOMMUNICATIONS,
CONSUMER PROTECTION, AND FINANCE

COMMITTEE ON ENERGY AND COMMERCE

WASHINGTON, D.C. 20515

May 12, 1983

MEMORANDUM

TO: Subcommittee Staff

FR: David Aylward

RE: FCC Authorization

As we discussed last Friday, it is in everyone's interests to share as much information as possible about proposals to amend this legislation if Reps. Swift, Tauke, and Tauzin procede with their efforts to add their deregulation amendment to the bill, and if they are successful.

Attached is a package of amendments which Subcommittee or full Committee Members either will offer or have expressed serious interest in offering -- which so far have come to my attention. As we all know, many more are being discussed, negotiated, or created! These are the ones I have seen so far.

Tim's very strong preference is still to keep the authorization clean of all substantive amendments and he is still doing everything he can to accomplish this goal.

Attachments

[May 10, 1983]

[Pole Attachments]

AMENDMENT TO H.R. _____

Add at the end thereof the following new section:

1 SEC. ____ . Funds authorized to be appropriated under this
2 Act to the Federal Communications Commission shall be used
3 by the Commission to prescribe (and make effective not later
4 January 1, 1984) regulations which apply with respect to the
5 poles, ducts, conduits, and right-of-ways owned or
6 controlled (1) by any electric utilities owned by any State
7 or political subdivision of any State and (2) by any
8 cooperatively organized telephone company, to the same
9 extent and manner as section 224 of the Communications Act
10 of 1934 applies with respect to those owned or controlled by
11 utilities (as defined in section 224 of such Act).

[May 10, 1983]

[FINANCIAL INTEREST, SYNDICATION, AND PRIME TIME ACCESS
RULES]

AMENDMENT TO H.R. _____

OFFERED BY MR. WAXMAN

Add at the end thereof the following new section:

1 SEC. _____. (a) No part of the funds authorized to be
2 appropriated under this Act may be used by the Federal
3 Communications Commission to take any action to repeal,
4 amend, or otherwise modify the provisions or applicability
5 of any of the following (as in effect May 1, 1983):

6 (1) section 73.658(j)(i) of title 47, Code of
7 Federal Regulations (commonly known as the "'Syndication
8 Rule'"; 23 F.C.C. 2d 382);

9 (2) section 73.658(j)(ii) of title 47, Code of
10 Federal Regulations (commonly known as the "'Financial
11 Interest Rule'"; 23 F.C.C. 2d 382); and

12 (3) section 73.658(k) of title 47, Code of Federal
13 Regulations (commonly known as the "'Prime Time Access
14 Rule'"; 23 F.C.C. 2d 382).

15 (b) If any such repeal, amendment, or modification has
16 been taken by the Commission after May 1, 1983, and before
17 October 1, 1983, then funds authorized to be appropriated to
18 the Commission under this Act shall be used by the
19 Commission to take such actions (to be effective not later

1 than December 1, 1983) to assure that the provisions and
2 applicability of the rules described in subsection (a)(1),
3 (2), and (3) are the same as were in effect May 1, 1983.

(May 11, 1983)

[Residential Telecommunications Consumer Corporations]

AMENDMENT TO H.R. _____

OFFERED BY Mr. Markey

1 SEC. _____. (a) Funds authorized to be appropriated under
2 this Act to the Federal Communications Commission shall be
3 used by the Commission to prescribe (and make effective not
4 later than January 1, 1984) a regulation under which a
5 nonprofit residential telecommunications consumer
6 corporation shall be established in each State. Such
7 regulation shall provide that a State Corporation (1) shall
8 not be an agency or establishment of the Federal Government,
9 (2) shall be subject to the provisions of such regulation
10 and, to the extent consistent with this section and such
11 regulation, to the laws of such State regarding nonprofit
12 corporations, and (3) shall have the usual powers conferred
13 upon a nonprofit corporation under the laws of that State.

14 (b) The membership of each State Corporation shall
15 consist of all residential telephone consumers, who are
16 residents of such State, who are 16 years of age or older,
17 and who have contributed to the Corporation a minimum
18 membership fee to be set by the Board of Directors of the
19 Corporation.

20 (c) Such regulations shall provide that--

1 (1) each State Corporation may intervene as of right
2 as a party or otherwise participate in any proceeding
3 conducted by a Federal agency which the Corporation
4 reasonably determines may affect the interests of
5 residential telephone consumer within that State;

6 (2) each State Corporation shall be deemed to have
7 an interest sufficient to maintain, intervene as of
8 right in, or otherwise participate in any civil action
9 for the review or enforcement of any decision by any
10 Federal agency which the Corporation reasonably
11 determines would adversely affect the interests of
12 residential telephone consumers within such State, and
13 the State Corporation shall be deemed to have such
14 interest regardless of whether the Corporation was a
15 party to the proceeding before such Federal agency;

16 (3) each State Corporation shall have the same
17 rights regarding intervention or participation in
18 Federal agency, and State agency or State commission
19 proceedings of the State in which the Corporation is
20 established, representation by counsel, participation in
21 prehearing conferences, discovery, requests for issuance
22 of subpoenas by the agency or commission involved,
23 stipulation of facts, presentation and cross-examination
24 of witnesses, oral and written argument, participation
25 in settlement negotiations, and other aspects of the

1 proceedings are accorded to other intervenors under the
2 laws governing such proceedings, except as otherwise
3 provided in the Communications Act of 1934 or other
4 applicable provisions of Federal law;

5 (4) each State Corporation shall have the authority
6 to prepare and furnish to each telephone carrier in the
7 United States, not less than 14 calendar days and not
8 more than one year in advance of the date of any
9 periodic customer billing of such telephone carrier--

10 (A) an enclosure, which shall fit into such
11 billing, containing a statement concerning the
12 organization and activities of the State Corporation
13 and other matters which the State Corporation
14 determines may affect the interests of residential
15 telephone consumers; and

16 (B) an enclosure, which shall fit into such
17 billing, or a statement to be printed upon the face
18 of the billing or any electronic transmission of the
19 billing, in a size of type which the Board of
20 Directors of such State Corporation determines is
21 sufficient to attract attention--

22 (i) indicating that the telephone consumer
23 billed and others in the household of the
24 consumer may contribute a membership fee and
25 additional moneys to the Corporation by a

1 payment to the telephone carrier of a specified
2 amount which shall be (I) set by the Board, in
3 excess of the payment made by the consumer to
4 the telephone carrier for exchange of or
5 interexchange transmission services; and (II)
6 transferred by the telephone carrier to the
7 State Corporation; and

8 (ii) containing instructions which clearly
9 explain the method of payment of membership fees
10 and additional contributions to the State
11 Corporation, as decided under clause (i).

12 (d)(1) Such regulation shall also provide that each
13 telephone carrier furnished with any statement or other
14 enclosure by a State Corporation in accordance with
15 subsection (e) shall print or otherwise include or enclose
16 such statement or enclosure within, upon, or attached to
17 each periodic customer billing with respect to which such
18 statement or enclosure is furnished by the Corporation.

19 (2) Under such regulation each State Corporation
20 promptly shall reimburse each telephone carrier for all
21 reasonable costs incurred by the telephone carrier, in
22 excess of normal costs for periodic customer billings, in
23 complying with the requirements of such regulation and this
24 section, except that--

25 (A) the State Corporation shall not be required to

1 reimburse the telephone carrier for any postage costs if
2 the weight of the enclosure furnished by the Corporation
3 does not exceed 35/100 ounce avoird; and

4 (B) the Corporation may postpone reimbursement of
5 any costs incurred before the first election of
6 Directors under subsection (g) until the end of the 12-
7 month period following such first election.

8 (f) The regulation under this section shall provide that
9 each telephone carrier shall establish, as part of its
10 system of accounts, an account for each appropriate State to
11 be known as the Telecommunications Consumer Corporation
12 Account. All contributions to a State Corporation received
13 by the telephone carrier and all other moneys due a State
14 Corporation under the control of the telephone carrier shall
15 be deposited in the account for such State Corporation
16 immediately upon receipt of such contributions or other
17 moneys.

18 (g)(1) The regulation under this section shall provide
19 that--

20 (A) the general management of the property, affairs,
21 and activities of each State Corporation shall be vested
22 in a Board of Directors consisting of not less than 15
23 nor more than 29 Directors, as the Board shall from time
24 to time determine;

25 (B) no officer, employee, consultant, attorney,

1 accountant, real estate agent, shareholder, or
2 bondholder of any telephone carrier doing business in
3 the United States, or any member of the immediate family
4 of any such individual, shall be eligible to serve as a
5 Director;

6 (C) except for members of the Interim Board of
7 Directors appointed under subsection (h), Directors of
8 any State Corporation shall be elected by and from among
9 the membership of that Corporation, and such Directors
10 shall serve for a term of two years and without
11 compensation, except that they may be reimbursed for
12 actual expenses incurred by them in the performance of
13 their duties;

14 (D) each State Corporation shall not have any power
15 to issue any shares of stock, or to declare or pay any
16 dividends, and no part of the income or assets of such
17 Corporation may inure to the benefit of any director,
18 officer, or employee of the Corporation, or any other
19 individual, except (in the case of individuals other
20 than directors) as salary or reasonable compensation for
21 services, and any State Corporation may not contribute
22 to or otherwise support any political party or candidate
23 for elective public office; and

24 (E) the Board of Directors of any State Corporation
25 shall formulate the policies of the Corporation with

1 respect to the functions and activities of the
2 Corporation.

3 (h) Funds authorized to be appropriated under this Act
4 to the Federal Communications Commission shall be used by
5 the Commission to appoint, not later than January 1, 1985,
6 an Interim Board of Directors for each State Corporation to
7 serve until the first elected Directors installed in office.
8 Such appointments shall be made after consultation with--

9 (1) the members of the Subcommittee on
10 Communications of the Committee on Commerce, Science,
11 and Transportation of the Senate and the members of the
12 Subcommittee on Telecommunications, Consumer Protection,
13 and Finance of the Committee on Energy and Commerce of
14 the House of Representatives, and

15 (2) appropriate State regulatory commissions.

16 The members of the Interim Board shall serve as
17 incorporators and shall take whatever actions are necessary
18 to establish the Corporation under the laws of the District
19 of Columbia.

20 (i) For purposes of this section:

21 (1) The terms "'Board of Directors'" and "'Board'"
22 mean the Board of Directors of a State Corporation.

23 (2) The term "'State Corporation'" means a nonprofit
24 residential telecommunications consumer corporation
25 authorized to be created in the regulation under

1 subsection (a).

2 (3) The term "'Federal agency'" has the same meaning
3 as the term "'agency'" in section 551(1) of title 5,
4 United States Code.

5 (4) The term "'periodic customer billing'" means a
6 demand for payment for exchange or interexchange
7 transmission service made by a telephone carrier to a
8 residential telephone consumer on a monthly or other
9 regular basis.

10 (5) The term "'residential telephone consumer'"
11 means any resident of the United States whose residence
12 is furnished with exchange or interexchange transmission
13 service by a telephone carrier.

14 (6) The term "'telephone carrier'" means any person
15 which provides any exchange or interexchange
16 communication service.

17 (7) The term "'State'" means each of the 50 States
18 and the District of Columbia.

[May 12, 1983]

[equal employment opportunity]

AMENDMENT TO H.R. _____

OFFERED BY MRS. COLLINS AND MR. LELAND

At the end thereof insert the following new section:

1 EQUAL EMPLOYMENT OPPORTUNITY

2 SEC. _____. The Communications Act of 1934 is amended by

3 inserting after section 6 the following new section:

4 ''SEC. 7. (a) This section shall apply to the following:

5 ''(1) licensees or permittees of commercially

6 operated amplitude modulation, frequency modulation,

7 television, or international broadcast stations,

8 licensees or permittees of public broadcast stations,

9 and other broadcast licensees;

10 ''(2) commercially operated amplitude modulation,

11 frequency modulation, television, or international

12 broadcast networks, and public broadcast station

13 networks;

14 ''(3) common carriers;

15 ''(4) cable television systems;

16 ''(5) satellite operators, licensees, and

17 permittees, whether doing business primarily as

1 broadcasters or primarily as common carriers; and

2 ''(6) headquarters operations of any of the entities
3 listed in paragraph (1) through paragraph (5).

4 ''(b) Equal opportunity in employment shall be afforded
5 by each entity specified in subsection (a), and no person
6 shall be discriminated against in employment because of
7 race, color, religion, national origin, age, or sex.

8 ''(c) Any entity specified in subsection (a) shall
9 establish, maintain, and execute a positive continuing
10 program of specific practices designed to ensure equal
11 opportunity in every aspect of its employment policy and
12 practice. Under the terms of its programs, it shall--

13 ''(1) define the responsibility of each level of
14 management to ensure a positive application and vigorous
15 enforcement of its policy of equal opportunity, and
16 establish a procedure to review and control managerial
17 and supervisory performance;

18 ''(2) inform its employees and recognized employee
19 organizations of the equal employment opportunity policy
20 and program and enlist their cooperation;

21 ''(3) communicate its equal employment opportunity
22 policy and program and its employment needs to sources
23 of qualified applicants without regard to race, color,
24 religion, national origin, age, or sex, and solicit
25 their recruitment assistance on a continuing basis;

1 ''(4) conduct a continuing program to exclude every
2 form of prejudice or discrimination based on race,
3 color, religion, national origin, age, or sex, from its
4 personnel policies and practices and working conditions;
5 and

6 ''(5) conduct a continuing review of job structure
7 and employment practices and adopt positive recruitment,
8 training, job design, and other measures needed to
9 ensure genuine equality of opportunity to participate
10 fully in all its organizational units, occupations, and
11 levels of responsibility.

12 ''(d)(1) Not later than one hundred and eighty days
13 after the effective date of this section, and after notice
14 and opportunity for hearing, the Commission shall prescribe
15 rules to carry out this section.

16 ''(2) Such rules shall specify the terms under which an
17 entity specified in subsection (a) shall--

18 ''(A) disseminate its equal opportunity program to
19 job applicants, employees, and those with whom it
20 regularly does business;

21 ''(B) use minority organizations, organizations for
22 women, media, educational institutions, and other
23 potential sources of minority and female applicants, to
24 supply referrals whenever jobs are available in its
25 operation;

1 ''(C) train minority and female employees, interns,
2 or both, or provide assistance to minority educational
3 institutions and educational institutions for women so
4 that they can provide such training, except that such
5 requirement is not mandatory for entities specified in
6 subsection (a) with fewer than five employees (including
7 part-time employees);

8 ''(D) evaluate its employment profile and job
9 turnover against the availability of minorities and
10 women in its labor recruitment area;

11 ''(E) undertake to offer promotions of minorities
12 and women to positions of greater responsibility;

13 ''(F) encourage minority and female entrepreneurs to
14 conduct business with all parts of its operation; and

15 ''(G) analyze the results of its efforts to recruit,
16 hire, promote, and use the services of minorities and
17 women and explain any difficulties encountered in
18 implementing its equal employment opportunity program.

19 ''(3) An applicant for a construction permit for a new
20 facility under any provision of this Act, for assignment of
21 license or construction permit, or for transfer of control
22 (other than pro forma or involuntary assignments and
23 transfers), an applicant for renewal of any license who has
24 not previously made such an application, and an entity
25 specified in subsection (a), shall file with the Commission

1 an equal employment opportunity program under the rules
2 prescribed by the Commission under this subsection. A
3 program shall not be required to be filed--

4 ''(A) by an applicant proposing to have, or an
5 entity having, fewer than five employees (including part-
6 time employees); or

7 ''(B) with respect to any minority group which is
8 represented in such insignificant numbers in the labor
9 recruitment area that a program would not be meaningful,
10 except that, in such case, the applicant or entity shall
11 file a statement of explanation with the Commission.

12 ''(4) Such rules also shall require an entity specified
13 in subsection (a) to file an annual statistical report
14 identifying by race and sex the number of employees in each
15 of the following full-time and part-time job categories: (A)
16 officials and managers; (B) professionals; (C) technicians;
17 (D) sales persons; (E) office and clerical personnel; (F)
18 skilled craft persons; (G) semiskilled operatives; (H)
19 unskilled laborers; and (I) service workers.

20 ''(5) The Commission is authorized to amend such rules
21 from time to time to the extent necessary to carry out the
22 provisions of this section. Any such amendment shall be made
23 after notice and opportunity for hearing.

24 ''(e)(1) An entity specified in subsection (a) shall be
25 deemed to be in compliance with subsection (c) if--

1 ''(A) the total number of women employed by such
2 entity is equal to at least 80 per centum of the number
3 which bears the same ratio to the total number of all
4 persons employed by such entity as the total number of
5 women available in the labor recruitment area involved
6 bears to the total number of all persons available in
7 the overall work force in such area;

8 ''(B) the total number of women employed by such
9 entity in the aggregate of positions in the job
10 categories of officials and managers, professionals,
11 technicians, and sales persons is equal to at least 80
12 per centum of the number which bears the same ratio to
13 the total number of all persons employed by such entity
14 in such positions as the total number of women available
15 for such positions in the labor recruitment area
16 involved bears to the total number of all persons
17 available for such positions in such area;

18 ''(C) the total number members of each minority
19 group employed by such entity is equal to at least 80
20 percent of the number which bears the same ratio to the
21 total number of all persons employed by such entity as
22 the total number of members of each minority group
23 available in the labor recruitment area involved bears
24 to the total number of all persons available in the
25 overall work force in such area; and

1 ''(D) the total number of members of each minority
2 group employed by such entity in the aggregate of
3 positions in the job categories of officials and
4 managers, professionals, technicians, and sales persons
5 is equal to at least 80 percent of the number which
6 bears the same ratio to the total number of all persons
7 employed by such entity in such positions as the total
8 number of members of each minority group available for
9 such positions in the labor recruitment area involved
10 bears to the total number of all persons available for
11 such positions in such area.

12 ''(2) The requirements of subsection (c) shall not apply
13 to any entity having fewer than five employees (including
14 part-time employees).

15 ''(f)(1) In the case of an applicant for a construction
16 permit for a new broadcast facility, for assignment of a
17 broadcast license or construction permit, or for the
18 transfer of control (other than pro forma or involuntary
19 assignments and transfers) or for renewal of a broadcast
20 license, the Commission shall not approve the application
21 if, following a hearing, the Commission finds that the
22 applicant does not meet the criteria in subparagraphs (A)
23 through (D) of subsection (e)(1).

24 ''(2) In a hearing held in accordance with this
25 subsection, the Commission may not consider any evidence of

1 upgrading of the performance of the applicant involved in
2 employment of minorities and women which occurs after
3 designation of the application for hearing.

4 ''(g) In addition to the powers reserved to the
5 Commission under section 4(i), the Commission shall have the
6 authority to take whatever additional steps it deems
7 necessary and in the public interest to encourage equal
8 employment opportunity.

9 ''(h) Any person who is determined by the Commission, in
10 accordance with paragraphs (3) and (4) of section 502, to
11 have willfully or repeatedly failed to comply with the
12 provisions of this section or of any rule, regulation, or
13 order issued by the Commission under this section, shall be
14 liable to the United States for a forfeiture penalty in
15 accordance with section 502. Notwithstanding such section,
16 the forfeiture penalty under this subsection for any
17 violation shall be any amount not to exceed \$500,000.

18 ''(i) For purposes of this section:

19 ''(1) The term 'network' means a national
20 organization distributing programming for a substantial
21 portion of each broadcast day to radio or television
22 broadcasting stations, as the case may be, in all parts
23 of the United States, generally through interconnection
24 facilities.

25 ''(2) The term 'public broadcast station' has the

1 meaning given it in section 397(6).''.

[May 8, 1983]

After section 4 insert the following new section:

1 INCREASE IN AMOUNT OF PENALTIES

2 SEC.5. (a) Section 501(a) of the Communications Act of
3 1934 (47 U.S.C. 501(a)) is amended by striking out
4 '\$10,000' each place it appears and inserting in lieu
5 thereof the following: '\$500,000'.

6 (b) Section 502 of the Communications Act of 1934 (47
7 U.S.C. 502) is amended by striking out '\$500' each place
8 it appears and inserting in lieu thereof the following:
9 '\$25,000'.

10 (c) Section 503(b) of the Communications Act of 1934 (47
11 U.S.C. 503(b)) is amended--

12 (1) by striking out '\$2,000' each place it appears
13 and inserting in lieu thereof the following:

14 '\$100,000';

15 (2) by striking out '\$20,000' each place it
16 appears and inserting in lieu thereof the following:

17 '\$1,000,000'; and

18 (3) by striking out '\$5,000' each place it appears
19 and inserting in lieu thereof the following:

20 '\$250,000'.

[May 8, 1983]

[Direction on the Use of Funds to Establish Fees in Support
of Public Broadcasting]

AMENDMENT TO H.R. _____

OFFERED BY MR. SCHEUER

After section 4 insert the following new section:

1 SEC. _____. (a) Funds authorized to be appropriated to the
2 Commission under this Act shall be used by the Commission--
3 (1) to establish, by regulation, a system of fees
4 (A) to be imposed on television and radio broadcast
5 licensees under the Communications Act of 1934 who are
6 licensed to use the electromagnetic spectrum for
7 commercial purposes and (B) the amount of which would be
8 assessed by the Commission based upon the economic value
9 of the license to the licensee (taking into account the
10 supply and demand for the use of the electromagnetic
11 spectrum in the market where the community is located to
12 which the station is licensed); and
13 (2) to impose and collect the fees under the system
14 established pursuant to paragraph (1).
15 (b) The regulation under subsection (a) shall be
16 prescribed not later than November 1, 1983, and the fees
17 shall be payable for calendar years beginning after December
18 31, 1983.

1 (c)(1) For each fiscal year beginning after the date of
2 the enactment of this Act, there is authorized to be
3 appropriated to the Corporation for Public Broadcasting (in
4 addition to amounts otherwise authorized to be appropriated)
5 an amount equal to the proceeds during the preceding fiscal
6 year from the fees under the system established under
7 subsection (a).

8 (2)(A) In accordance with subparagraph (B), funds
9 appropriated under this section shall be made available
10 for--

11 (i) the production of public broadcasting
12 programming, and

13 (ii) the production of other programming (including
14 programming for the needs of children, minorities, and
15 the elderly) for which there is not available an
16 adequate quantity in the national market or in local
17 markets.

18 (B) The respective amounts available under subparagraph
19 (A) for radio programming and for television programming
20 shall be the same ratio as the fee proceeds during the
21 preceding fiscal year from radio broadcast licensees and
22 permittees bears to such fees from television broadcast
23 licensees and permittees.

[May 10, 1983]

[Children's Television]

AMENDMENT TO H.R. _____

Add at the end thereof the following new section:

1 SEC. _____. (a) Funds authorized to be appropriated under
2 this Act to the Federal Communications Commission shall be
3 used by the Commission to prescribe (and make effective not
4 later than January 1, 1984) a regulation which provides that
5 every television broadcast station shall broadcast each
6 Monday through Friday at least 5 hours of non-entertainment or
7 educational television programming specifically designed for children.

8 (b) For each of fiscal years 1984 and 1985, there is
9 authorized to be appropriated to the Corporation for Public
10 Broadcasting \$10,000,000 for the development and production
11 of instructional and educational programming specifically
12 designed to promote the literacy and mathematical abilities
13 of children.

[May 12, 1983]

[Interexchange Telephone Service Jurisdiction]

AMENDMENT TO H.R. _____

OFFERED BY

Add at the end thereof the following new section:

1 SEC. _____. (a) Funds authorized to be appropriated under
2 this Act to the Federal Communications Commission shall be
3 used by the Commission to (A) regulate interexchange
4 communications and transmissions (even though not interstate
5 or foreign) to the same extent and in the same manner as is
6 the case under the Communications Act of 1934 with respect
7 to interstate and foreign communications and transmissions
8 and (B) by reason of such regulation authority, preempt any
9 State and local regulation of interexchange communications
10 and transmissions.

11 (b) For purposes of this section--

12 (1) the term "exchange area" means the area within
13 which telephone exchange service is provided, except
14 that (A) an exchange area may not include an entire
15 State, and (B) an exchange area that includes any part
16 or all of any standard metropolitan statistical area may
17 not include any substantial part of any other standard
18 metropolitan statistical area; and

19 (2) the terms "interexchange communications and
20 transmissions" means communication provided among
21 points in more than one exchange area.

[May 10, 1983]

[Ability to Respond to Certain Broadcast Messages]

AMENDMENT TO H.R. _____

OFFERED BY MR. WIRTH

Add at the end thereof the following new section:

1 SEC. _____. (a) Funds authorized to be appropriated under
2 this Act to the Federal Communications Commission shall be
3 used by the Commission to prescribe (and make effective not
4 later than January 1, 1984) a regulation which provides
5 that, if any broadcasting licensee permits--

6 (1) any person or political committee, as defined in
7 section 301 of the Federal Election Campaign Act of 1971
8 (2 U.S.C. 431), or

9 (2) any agent of such person or political committee,
10 to purchase broadcasting time to discuss an issue of public
11 importance (including criticism of a candidate's views or
12 qualifications to hold public office), the licensee shall
13 offer the opportunity to the supporters of the candidate
14 whose views or qualifications for public office were
15 criticized (or to responsible supporters of a significant
16 contrasting view, if the issue discussed was other than a
17 criticism of the views or qualifications of a candidate) to
18 present, without charge, a response on such broadcasting
19 station during the same period of the day and for the same

1 amount of time. Such licensee shall have no power of
2 censorship over the material required to be broadcast under
3 this subsection.

4 (b) The regulation prescribed under subsection (a) shall
5 not apply to require the use of any broadcasting station for
6 responses to statements broadcast by a candidate, a
7 political committee authorized by a candidate, or a
8 political committee authorized by a political party during
9 an election period.

[May 10, 1983]

[Cost of Regulation Fees]

AMENDMENT TO H.R. _____

At the end thereof insert the following new section:

1 SEC. _____. (a) Funds authorized to be appropriated to the
2 Federal Communications Commission under this Act shall be
3 used by the Commission to establish, by regulation, a system
4 of fees to be imposed on licensees under the Communications
5 Act of 1934 the amount of which is determined in accordance
6 with the table set forth in subsection (c).

7 (b) The regulation under subsection (a) shall be
8 prescribed not later than November 1, 1983, and the fees
9 shall be payable for calendar years beginning after December
10 31, 1983.

11 (c) The amount of the fees under the system to be
12 established pursuant to subsection (a)(1) is as follows:

"Schedule of charges:

Private radio services:	Rates
Marine coast stations--new, modifications, renewals.....	\$ 180
Operational fixed microwave stations--new, modifications, renewals.....	180
Aviation (ground stations)--new, modifications, renewals.....	90
Land (mobile radio)--new, modifications, renewals.....	90
Equipment approval services:	
Type certification:	
Receivers (except TV receivers).....	600
All others (including TV receivers).....	1,950
Type acceptance:	
Approval of subscription TV systems.....	6,000
All others.....	975
Type approval:	
Ship (radio telegraph) automatic alarm systems.....	19,500
Broadcast equipment required to be approved under FCC rules.....	9,750
Ship and lifeboat transmitters.....	9,750
All others.....	3,900
Mass media services:	
Commercial TV stations--new and major change construction permits:	
Application fee.....	3,600
Hearing charge.....	18,000
Grant fee.....	(3 x annual fee)
Commercial radio stations--new and major change construction permits:	
Application fee.....	1,125
Hearing charge.....	18,000
Grant fee.....	(3 x annual fee)
Directional antenna license fee.....	1,125
Translators and low power TV stations--new and major change construction permits:	
Application fee:	
Top 150 markets.....	750
Remaining markets.....	450
Hearing charge.....	18,000
Grant fee.....	450
Annual fee--commercial TV stations:	
Top 20 markets.....	27,000
21-40 markets.....	24,300
41-60 markets.....	21,600
61-80 markets.....	18,900
81-100 markets.....	16,200
101-120 markets.....	13,500
121-140 markets.....	10,800
141-160 markets.....	8,100
161-180 markets.....	5,400
181-balance.....	2,700
Low power TV stations.....	450

Annual fee--commercial radio stations:
 Class B and C--FM, greater than
 5,000W--AM.....3,750
 Class A--FM, 1,000W to 5,000W--AM.....1,800
 Less than 1,000W--AM.....600
 Subscription TV stations--
 application fee.....9,000
 Station assignment and transfer
 fees: Application fee--TV stations.....3,750
 Application fee--radio stations.....1,800
 Hearing charges.....18,000
 Cable television relay service--
 construction permit.....900
 Renewals.....180
 Common carrier service:
 Domestic public land mobile
 stations (base, dispatch, control,
 and repeater stations):
 Initial construction permits,
 assignments, transfers.....600
 Renewals and modifications.....60
 Air-ground station initial
 construction permits, renewals,
 and modifications.....60
 Cellular systems:
 Initial construction permits.....2,700
 Assignments and transfers.....2,700
 License fee.....8,250
 Renewals and modifications.....135
 Annual fee per mobile unit.....9
 Rural radio service (central office,
 interoffice or relay facilities):
 Initial construction permits,
 assignments, transfers.....270
 Renewals and modifications.....60
 Offshore radio service:
 Initial construction permits,
 assignments, and transfers.....270
 Renewals and modifications.....60
 Local television or point to point
 microwave radio service:
 Construction permits, renewals
 and modifications of construction
 permits.....405
 Assignments and transfers of
 control (per station).....135
 International fixed public
 radio service--public and
 control stations:
 Initial construction permits,

assignments, transfers.....	1,350
Renewals and modifications.....	975
Satellite services:	
Transmit Earth stations:	
Initial station authorization.....	4,050
Assignments and transfers of station authorization.....	1,350
All other applications.....	270
Receive only Earth station:	
Initial station authorization.....	2,025
All other applications.....	270
Application for authority to construct a space station.....	5,400
Application for authority to launch and operate a space station.....	54,000
Multipoint distribution service:	
Construction permits, renewals and modifications of construction permits.....	405
Assignments and transfers of control (per station).....	135
Initial license (first license or license adding new frequency).....	4,050
Section 214 applications:	
Applications for overseas cable construction (per nautical route mile).....	15
Application for domestic cable construction (per route mile).....	12
Application to install or acquire carrier equipment (per route mile).....	12
Tariff filings:	
Filing fee.....	750
Special permission filing.....	600
Telephone equipment registration.....	405
Digital electronic message service:	
Construction permits, renewals and modifications of construction permits.....	405
Assignments and transfers of control (per station).....	135
Initial license (first license or license adding new frequency).....	405

[May 10, 1983]

[NEW TECHNOLOGIES]

AMENDMENT TO H.R. _____

OFFERED BY MR. WIRTH

Add at the end thereof the following new section:

1 SEC. _____. (a) Funds authorized to be appropriated under
2 this Act to the Federal Communications Commission shall be
3 used by the Commission to prescribe (and make effective not
4 later than January 1, 1984) a regulation which provides
5 that, consistent with sound spectrum management, the
6 Commission shall, to the maximum feasible extent, encourage
7 the introduction of new and additional services by new
8 applicants, existing licenses, or other persons. In the case
9 of any proceeding which any new or additional service are
10 proposed, such regulation shall provide that such services
11 shall be presumed to be in the public interest if the
12 Commission finds such services are technically feasible.

13 (b)(1) Funds authorized to be appropriated under this
14 Act to the Federal Communications Commission shall be used
15 by the Commission to conclude proceedings and issue final
16 reports and orders, not later than 6 months after the date
17 of the enactment of this Act, in Docket No. 20418, (relating
18 to very high frequency television drop-ins) and in Docket
19 No. 80-90, (relating to new frequency modulation radio

1 classifications).

2 (2) The Federal Communications Commission, in issuing
3 final reports and orders in the dockets pursuant to
4 paragraph (1), shall provide for the establishment of new
5 very high frequency television stations and frequency
6 modulation radio stations.

7 (3) Funds authorized to be appropriated under this Act
8 to the Federal Communications Commission shall be used by
9 the Commission to prescribe (and make effective not later
10 than January 1, 1984) a regulation which provides that the
11 Federal Communications Commission shall grant any
12 application pursuant to the order under Docket No. 80-90
13 if--

14 (A) the station to be established pursuant to such
15 application would be operated so that (i) substantially
16 all of the broadcasting time of such station would be
17 made available to be purchased by individuals or
18 organizations (other than the licensee or entities owned
19 or controlled by the licensee) and (ii) not more than 5
20 percent of the broadcasting time made so available
21 during any calendar year could be purchased by any
22 individual or organization, or affiliates thereof; and

23 (B) a license or permit has not be granted for any
24 other such station in the same market.

25 (c) Funds authorized to be appropriated to the

1 Commission by this Act shall be used by the Commission to
2 implement its order and decision regarding the authorization
3 of direct broadcast satellite service (Docket _____),
4 notwithstanding any interim or final order of any Federal,
5 State, or local court.